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5 Attorney for MOUSTAPHA MOUSTAPHA

7 UNITED STATES DISTRICT COURT

8 FOR THE CENTRAL DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

No. CR 24-CR-168-MSC

10 Plaintiff,

DEFENDANT MOUSTAPHA
MOUSTAPHA'S NOTICE OF THE
GOVERNMENT'S WEEKEND
DISCLOSURE OF ITS INTENT TO
CALL A CI AS A WITNESS AT
TRIAL

11 v.

12 MOUSTAPHA MOUSTAPHA,

13 Defendant.

16
17 Mr. Moustapha, by and through his counsel of record,
18 hereby notices the Court of the following: minutes ago,
19 during a 2:00 p.m. conference call between defense counsel
20 and AUSAs Scott and Lachman, the government disclosed, for
21 the first time, its intent to call a CI as a trial witness
22 in its case-in-chief. It did not disclose the CI's
23 identity.

24 The government filed a witness list on August 8, 2024
25 (ECF 24) that did not disclose its intent to call a CI as
26 a witness. Failure to include the CI on the filed witness

1 list cannot be attributed to legitimate security concerns,
2 as the government knows that in cases where the government
3 plans to call a CI as a witness, it will publicly file
4 either (1) a redacted witness list or (2) an unredacted
5 witness list that refers to the CI by a naming convention
6 that conceals the CI's identity from the public (e.g., CW-
7 1).

8 To date, Mr. Moustapha has received no CI discovery
9 whatsoever. The government has not even sought a
10 protective order that would allow it to disclose pertinent
11 information derived from the CI. As a result, it has not
12 disclosed crucial information necessary to cross examine
13 the CI or assess the viability of potential trial
14 defenses, including critical pieces of information like:
15 (1) the extent to which the CI was utilized in the
16 government's investigation; (2) benefits provided to the
17 CI; (3) promises made to the CI; (4) the CI's prior
18 relationship with Mr. Moustapha and/or case agents; (5)
19 prior convictions or acts of moral turpitude by the CI;
20 (4) prior acts of dishonesty by the CI; (5) a forensic
21 copy of the device(s) that the CI allegedly used to
22 conduct unmonitored, case-related activities for the
23 government; (6) toll records or other records that would
24 corroborate information the CI provided to the government
25 during unmonitored cooperation (those interviews have not
26 been produced); (7) case related interviews of the CI; (8)

1 any ongoing or uncharged criminal activity by the CI; (9)
2 the CI's involvement in the charged conduct and whether
3 that involvement predated his cooperation with the
4 government; (10) Jencks material, including written
5 communications with case agents (which the government
6 indicated it has); and (11) CI-related *Brady* information,
7 including prior times the CI was terminated from CI
8 programs.

9 The Court's standing order required the government to
10 provide critical, case-related CI information within two
11 (2) weeks of Mr. Moustapha's PIA. It did not. Nor did it
12 seek a protective order that would have allowed it to
13 disclose CI information in its possession or seek
14 permission from the Court to withhold CI information until
15 a later date.

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18 Respectfully Submitted,
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20 Dated: August 10, 2024

21 //s// Meghan Blanco
22 MEGHAN BLANCO
23 Attorney for
24 MOUSTAPHA MOUSTAPHA
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